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January 24, 1994

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: MM Docket No. 93-107  
Channel 280K  
Westerville, Ohio

Dear Mr. Caton:

Enclosed for filing on behalf of Ohio Radio Associates, Inc. are an original and eleven (11) copies of its "Motion to Strike" the replies to exceptions filed by Shelley F. Davis on January 5, 1994.

Please contact the undersigned in our Washington, D.C. office.

Respectfully submitted,

McNAIR & SANFORD, P.A.

By:

  
John W. Hunter

By:

  
Stephen T. Yelverton

Enclosure

B:CATON.126

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OFFICE OF SECRETARY

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of:

DAVID A. RINGER

et al.,

Applications for Construction  
Permit for a New FM Station,  
Channel 280A, Westerville,  
Ohio

To: The Review Board

)  
)  
) MM Docket No. 93-107  
)  
)  
) File Nos. BPH-911230MA  
)  
)  
) through  
)  
) BPH-911231MB  
)

MOTION TO STRIKE

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JAN 24 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Respectfully submitted,

MCHAIR & SANFORD, P.A.

By: \_\_\_\_\_  
John W. Hunter

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January 24, 1994

B:CATON.126

MOTION TO STRIKE

Ohio Radio Associates, Inc. ("ORA"), by its attorneys, hereby submits this "Motion to Strike" the replies to exceptions to Initial Decision filed by Shellee F. Davis ("Davis") on January 5, 1994. In support of its motion, ORA submits the following comments.

Section 1.49 (a) of the Commission's Rules requires that pleadings be doubled-spaced and be in a type set no more than 12 characters per inch. See also, Amendment to Section 1.49, 8 FCC Rcd 7092 (1993). The 25 page replies of Davis are in a type set of at least 15 characters per inch. Moreover, she uses 31 single-spaced footnotes, many of which consist of almost a half page. See, footnotes 7, 12-17, 19-22, 27-28.

Accordingly, Davis has brazenly attempted to circumvent and evade the 25 page limitation for replies to exceptions. See, Section 1.277 (c). This requires that her replies be stricken from the record and not considered. Such a sanction is the minimum required in order that Davis obtain no unfair advantage over the other applicants from her evasion of Section 1.49 (a).

WHEREFORE, in view of the foregoing, the Review Board is requested to strike the replies of Davis.

Respectfully submitted,

MCNAIR & SANFORD, P.A.

By:   
John W. Hunter

By:   
Stephen F. Yelverton

January 24, 1994

020970.00001 ORA.MS

**CERTIFICATE OF SERVICE**

I, Stephen T. Yelverton, an attorney in the law firm of McNair & Sanford, P.A., do hereby certify that on this 24th day of January, 1994, I have caused to be hand delivered or mailed, U.S. mail, postage prepaid, a copy of the foregoing "Motion to Strike" to the following:

Joseph A. Marino, Chairman\*  
Review Board  
Federal Communications Commission  
Room 211  
2000 L Street, N.W.  
Washington, D.C. 20554

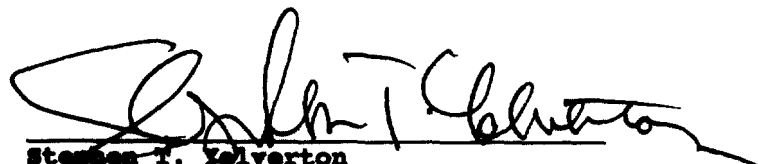
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Stephen T. Yelverton

\*Hand Delivery